

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GREGORY VITABILE,)	
)	
Plaintiff,)	
)	
v.)	No. 04-3391-CV-S-FJG
)	
GERALD PAGEN,)	
)	
Defendant.)	

ORDER

Currently pending before the Court is plaintiff's Motion to Dismiss Without Prejudice (Doc. # 17).

Plaintiff states that he has been attempting to contact counsel to represent him in this case and is currently awaiting their responses. However due to time constraints for filing pleadings, he is seeking to dismiss this action without prejudice. Defendant Gerald Pagen did not file any response to the Motion to Dismiss within the allotted time. Nor did Pagen seek an extension of time in which to file opposition. Therefore, the Court will consider the Motion to Dismiss as unopposed.

Accordingly, for good cause shown and with no opposition indicated, the Court hereby **GRANTS** plaintiff's Motion to Dismiss (Doc. # 17). The above referenced case is hereby **DISMISSED WITHOUT PREJUDICE**.

Date: December 13, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN JR.
Fernando J. Gaitan Jr.
United States District Judge